

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:13-CR-162 MAC
§
JERRY LYNN COLEMAN §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 24, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Tracey Batson.

On September 4, 2014, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of thirty-seven (37) months imprisonment followed by a three (3) year term of supervised release for the offense of Felon in Possession of a Firearm. Defendant began his term of supervision on February 19, 2016. This case was transferred to the Honorable Marcia A. Crone on March 28, 2017.

On April 18, 2017, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 36). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not illegally possess a controlled substance; (3) Defendant shall not leave the judicial district without permission of the Court or probation officer; (4) Defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a

truthful and complete written report within the first five days of each month; (5) Defendant shall notify the probation officer ten days prior to any change of residence or employment; and (6) Defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer.

The Petition alleges that Defendant committed the following violations: (1) On December 3, 2016, Defendant was arrested in Paris, Texas, for Possession of a Controlled Substance, Unlawful Possession of Firearm by a Felon, Theft of Firearm, and Possession of Marijuana. On December 5, 2016, Defendant was released on a \$22,000.00 bond. Charges are pending; (2) On December 3, 2016, Defendant was arrested in Paris, Texas, which is located in the Eastern District of Texas. At the time of Defendant's arrest, Defendant was being supervised by the Eastern District of Oklahoma and did not have permission to travel to the Eastern District of Texas; (3) Defendant failed to submit monthly supervision reports for the months of November and December 2016, and January and February 2017; (4) The probation officer attempted a home visit at Defendant's reported residence on March 21, 2017, and the current resident there stated he had occupied the residence for the last six (6) weeks, and Defendant did not live there. Defendant did not inform the probation officer of his change of residence. Defendant's current whereabouts were unknown; and (5) Defendant failed to notify the probation officer within seventy-two (72) hours of his December 3, 2016, arrest.

At the hearing, Defendant entered a plea of true to Allegation 4. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments

presented at the October 24, 2017, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of nine (9) months, with no supervised release to follow, to run consecutively to any other sentence being served. The Court further recommends that Defendant's term of imprisonment be carried out in FCI El Reno, if appropriate.

SIGNED this 31st day of October, 2017.



KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE